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EX PARTE

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May 23, 2007

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: *In the Matter of Implementation of the Telecommunications Act of
1996: Telecommunications Carriers' Use of Customer
Proprietary Network Information and Other Customer
Information, CC Docket No. 96-115*

Dear Ms. Dortch:

On January 14, 2005 Qwest Services Corporation ("Qwest") filed an *ex parte* in the above-referenced proceeding.¹ In that filing, Qwest addressed the regulation of access and storage of domestic customer proprietary network information ("CPNI") outside of the United States. Qwest would now like to provide additional information on that same issue.

Qwest opposes the regulation of foreign storage of CPNI. Qwest agrees with arguments that have been filed in this proceeding that: (1) Section 222 of the Telecommunications Act of 1996 permits transfers of CPNI abroad and nothing suggests that such use, disclosure or access is or can be confined to the United States;² (2) the Federal Bureau of Investigation ("FBI") already

¹ See *ex parte* of Qwest, filed herein on Jan. 14, 2005 ("Qwest *Ex Parte*"); see also *In the Matter of Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, As Amended; 2000 Biennial Regulatory Review – Review of Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket Nos. 96-115, 96-149, 00-257, Third Report and Order and Third Further Notice of Proposed Rulemaking, 17 FCC Rcd 14860 (2002).

² See Cellular Telecommunications & Internet Association ("CTIA") Comments, CC Docket No. 96-115, filed Oct. 21, 2002 at 2-8 (Section 222 permits transfers of CPNI abroad, and nothing in Section 222 suggests that such use, disclosure or access is or can be confined to the United States) ("CTIA Comments"); Comments of Verizon to Further Notice of Proposed Rulemaking,

has the ability to access CPNI stored abroad by United States-based carriers;’ and (3) proposed restrictions would impose significantly higher costs on carriers.’ All commentators correctly argue that Federal Communications Commission (“Commission” or “FCC”) regulation in this area would be contrary to the public interest.

Qwest’s primary CPNI databases are stored domestically. However, Qwest utilizes international resources, both within its own business entities and via providers of telecommunications-related services, to perform specific business activities that call for access to CPNI. These international resources offer Qwest both flexibility and efficiency in managing its business processes. This flexibility assists Qwest in responding rapidly to marketplace changes, including customer demands, and thus supports Qwest’s ongoing commitment to improving customer service.

Qwest’s international business activities that may include access to or temporary storage of CPNI fall into two major categories. First, Qwest engages call center service providers in locations such as Canada, Panama and the Philippines to market Qwest products and services, in addition to providing general customer service and technical support/repair functions (in both English and Spanish). These call center functions also include quality monitoring of Qwest call centers, both international and domestic. Second, Qwest also utilizes international resources, via its own international entities and service providers, for a category of business activities best described as information technology systems development and support. In these situations, technical staff may perform administrative functions for systems that manage CPNI, and snapshots of production information may be used for systems development and troubleshooting purposes. In addition to these major areas, as is common among carriers, from time-to-time,

CC Docket No. 96-115, filed Oct. 21, 2002 at 2-4 (measures proposed by the FBI are not related to the FCC’s authority under Section 222 to safeguard consumer privacy and exceed the FCC’s authority; additionally, the FCC should not impose potentially costly and burdensome regulations on carriers in the absence of convincing evidence that such regulations are necessary to achieve the goals of the Act) (“Verizon Comments”); WorldCom Comments, CC Docket No. 96-115, filed Oct. 18, 2002 at 8-9 (Section 222 does not address storage and/or location of CPNI and regulations restricting the location and/or storage of CPNI would be beyond the scope of the proceeding; additionally there is no authority or need for the FCC to mandate a blanket prohibition on foreign storage); Reply Comments of AT&T Corp., CC Docket No. 96-115, filed Nov. 19, 2002 at 6-7 (storage of domestic CPNI abroad does not change a carrier’s Section 222 obligations and the FCC should not restrict foreign storage of or access to such information; law enforcement needs for access to such information should be addressed by Congress since the FCC lacks authority to accommodate those needs). *And see* CTIA-The Wireless AssociationTM *Ex Parte*, CC Docket No. 96-115, dated Oct. 7, 2004, and presentation appended thereto at 2-3, which states that Section 222 permits transfer of CPNI (“CTIA *Ex Parte*”).

³ CTIA Comments at 2, 6.

⁴ CTIA *Ex Parte*, appended presentation thereto at 2; Verizon Comments at 2-4.

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Qwest utilizes international resources and expertise for business process management and analytical consulting services. As noted above, these activities all contribute to Qwest's ability to provide customers with the products and services they want in a cost-effective manner.

In the case of such international activities, Qwest performs additional risk assessments and specific security controls are implemented according to location, business functions performed and data accessed. As a result, in some cases, additional security controls are imposed that are even more stringent than those Qwest uses domestically. Strict network and systems security policies are applied to all such situations. and Qwest engages in this risk management activity for both its own international entities and third party service providers to ensure consistent CPNI protection.

Qwest is not aware of any situation where the fact that these common business activities are undertaken in international locations has been a significant contributor to customer or carrier problems. To the contrary, customers, and hence the public interest, have been better served through the efficiencies, cost savings and flexibility that these activities provide to carriers.

For all the above reasons, Qwest opposes the FCC taking any action to regulate international storage of or access to CPNI. As Qwest and others have previously stated,⁵ arguments by the Department of Justice and the FBI ignore the legal limitations imposed on the FCC and are contrary to sound public policy. Unless and until there is a demonstration of systemic or widespread abuse in the area of carriers' storage of CPNI outside of the United States, neither a sound cost/benefit analysis nor the public interest can support federal regulations in this area.

This submission is made pursuant to Sections 1.49(f) and I.1206(b) of the rules of the Commission, 47 C.F.R. §§ 1.49(f), 1.1206(b).

If you have any questions, please call me on 202-429-3 120.

Respectfully,

/s/ Melissa E. Newman

⁵ Qwest *Ex Parte* at 3; CTIA *Ex Parte* at 2; Verizon Comments at 2-4.